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FAL/2017R00603

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AT 8:30 3:54 PM
WILLIAM T. WALSH
CLERK *SPC*

UNITED STATES OF AMERICA	:	Hon. Susan D. Wigenton
	:	
v.	:	Crim. No. 21- 369 (SDW)
	:	
JASON FRANKLIN,	:	18 U.S.C. § 1962(d)
a/k/a "Freak,"	:	
a/k/a "OG Freak,"	:	
ELIJAH WILLIAMS,	:	
a/k/a "Lil Smith," and	:	
TRE BYRD,	:	
a/k/a "Bands,"	:	
a/k/a "G Bandz"	:	
	:	

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Newark,
charges:

COUNT ONE
(Racketeering Conspiracy)

The Racketeering Enterprise

1. At various times relevant to this Indictment, in the District of New Jersey, and elsewhere, defendants JASON FRANKLIN, a/k/a "Freak," a/k/a "OG Freak" ("FRANKLIN"); ELIJAH WILLIAMS, a/k/a "Lil Smith" ("WILLIAMS"); TRE BYRD, a/k/a "Bandz," a/k/a "G Bandz" ("BYRD"); and others, known and unknown, were members and associates of a criminal organization known as the Rollin' 60s Neighborhood Crips (the "Rollin' 60s" or the "Enterprise"). The Rollin' 60s, including its leadership, members, and associates, constituted an enterprise, as defined in Title 18, United States Code, Section 1961(4), namely,

a group of individuals associated in fact that engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members and associates functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

History, Rules, and Organization of the Rollin' 60s Crips

2. The Enterprise originated in the West Side of South Los Angeles and now operates in numerous states, including but not limited to California, Pennsylvania, North Carolina, and New Jersey. Members and associates of the Enterprise within the District of New Jersey operate under the umbrella of the Silverbacc Gorillas, or "SBG," and are then further divided into "districts" and "units."

3. The Rollin' 60s operate throughout the District of New Jersey, including in Essex, Middlesex, and Mercer Counties, as well as within the New Jersey prison system. At all relevant times, FRANKLIN, WILLIAMS, and BYRD operated in and around Essex County, New Jersey.

4. The Rollin' 60s members and associates followed certain traditions and protocols of the Enterprise, including:

a. visible demonstrations of gang affiliation, such as an identification with the colors blue and white, which appear in clothing, hats, and bandanas that Rollin' 60s members wear;

b. greeting each other with the phrase, "NH," which is an acronym for "neighborhood," and thus shorthand for "Neighborhood Crip," and referring to each other as "Hoodsta" and "Loc";

c. the utilization of social media platforms to proclaim their affiliation and highlight the Enterprise by posting gang-related photographs and videos and to communicate with other members and associates; and

d. tattoos, slogans, and hand gestures signifying membership in the Rollin' 60s.

5. The rules governing the Rollin' 60s establish, among other things:

a. a hierarchical power structure in which members are given designations or ranks signifying their status within the gang and;

b. a system of discipline and punishment for those members who violated rules or failed to carry out orders from higher-ups.

6. Members and associates of the Rollin' 60s engaged in, or controlled, drug trafficking and other criminal activities in various neighborhoods and public-housing complexes in and around Newark, New Jersey and Irvington, New Jersey, including, among others:

a. Within Newark, New Jersey, between Sanford Avenue to Stuyvesant Avenue, from South Orange Avenue to Tremont Avenue. The Enterprise's primary area for narcotics distribution within Newark is South Orange Avenue and Salem Street.

b. Within Irvington, New Jersey, the Crescent Lane public-housing complex ("Crescent Lane") and its surrounding vicinity, bordered by Nye and Lyons Avenues, from Lincoln Place to Ball Street. The Enterprise's primary area for narcotics distribution outside Crescent Lane is between Lyons and

Union Avenues. Within Crescent Lane, the Enterprise operates primarily within Building Eight.

Purposes of the Rollin' 60s Crips Enterprise

7. The purposes of the Rollin' 60s included the following:
 - a. promoting and enhancing the Enterprise and the activities of its members and associates, both in and out of prison, which activities included, but were not limited to, drug trafficking, murder, robbery, automobile theft, and other criminal activities;
 - b. preserving and protecting the power, territory, reputation, and profits of the Enterprise and of its members and associates, both in and out of prison, through the use of intimidation, violence, threats of violence, assaults, and murder;
 - c. providing assistance to gang members and associates who were imprisoned after having committed crimes on behalf of the Enterprise;
 - d. confronting and retaliating against rival gangs through intimidation, threats of violence, and acts of violence; and
 - e. hindering, obstructing, and preventing law enforcement from identifying participants in the gang's criminal activity, from apprehending the offenders of those crimes, and from successfully prosecuting and punishing those offenders.

Members and Associates of the Enterprise

8. FRANKLIN was a senior member of the Rollin' 60s. Among other responsibilities, FRANKLIN communicated with leaders of the Rollin' 60s in other

districts, to include the Central District of California and the Middle District of Pennsylvania, and issued orders that lower members of the Rollin' 60s were expected to follow.

9. WILLIAMS and BYRD were members of the Rollin' 60s who operated, among other places, in and around Smith Street and South Orange Avenue.

The Racketeering Conspiracy

10. Beginning at least as early as in or about 2015, and continuing through the date of this Indictment, in the District of New Jersey, and elsewhere, the defendants,

**JASON FRANKLIN,
a/k/a "Freak,"
a/k/a "OG Freak,"
ELIJAH WILLIAMS,
a/k/a "Lil Smith," and
TRE BYRD,
a/k/a "Bandz,"
a/k/a "G Bandz"**

together with others known and unknown, being persons employed by and associated with the Rollin' 60s Crips, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, knowingly and intentionally conspired and agreed with others to violate Title 18, United States Code, Section 1962(c), that is to conduct and participate, directly and indirectly, in the conduct of the affairs of the Rollin' 60s Crips enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and (5), which pattern of racketeering activity consisted of:

a. multiple acts involving murder, contrary to N.J.S.A. 2C:11-3(a)(1), 2C:11-3(a)(2), 2C:5-1(a), 2C:5-2, and 2C:2-6;

b. multiple acts involving robbery, contrary to N.J.S.A. 2C:15-1(a)(1), 2C:5-1(a), 2C:5-2, and 2C:2-6; and

c. multiple offenses involving the felonious manufacture, importation, receiving, concealment, buying, selling, and otherwise dealing in a controlled substance punishable under the laws of the United States, in violation of Title 21, United States Code, Section 846 (conspiracy to distribute and possess with intent to distribute controlled substances), Section 841 (distribution and possession with intent to distribute controlled substances), and Section 843(b) (use of a communications facility to violate the Controlled Substances Act).

11. It was part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the Enterprise.

Manner and Means of the Conspiracy

12. Among the manner and means by which the defendants and other members and associates of the Rollin' 60s agreed to conduct and participate in the conduct of the affairs of the Enterprise were the following:

a. It was part of the conspiracy that the members and associates of the Rollin' 60s acquired and maintained weapons, including firearms, to use during violent criminal acts on behalf of the Enterprise.

b. It was further part of the conspiracy that the members and associates of the Rollin' 60s shared firearms to be used in the commission of violent criminal acts.

c. It was further part of the conspiracy that the members and associates of the Rollin' 60s committed and agreed to commit violent acts, including murder and assault with deadly weapons, to avenge attacks or perceived slights against other members and associates of the Rollin' 60s; to punish Enterprise members and associates who had been disloyal; to retaliate against rivals; to maintain and enhance the reputation of the Rollin' 60s; and to protect and otherwise assist their drug trafficking business.

d. It was further part of the conspiracy that participation in criminal activity by a member, particularly violent acts directed at rivals or as directed by the gang leadership, increased the respect accorded to that member, resulted in that member's maintaining and increasing position in the gang, and could result in a promotion to a leadership position.

e. It was further part of the conspiracy that members and associates of the Rollin' 60s used social media, including Instagram and Facebook, to intimidate witnesses and other members of the community and to promote the Rollin' 60s.

f. It was further part of the conspiracy that members and associates of the conspiracy enriched themselves through drug trafficking and the commission of robberies.

Overt Acts

13. In furtherance of the conspiracy and to achieve its purposes, the defendants and their coconspirators committed the following overt acts, among others, in the District of New Jersey, and elsewhere:

a. Beginning at least as early as in or around 2015, numerous members and associates of the Rollin' 60s, including, but not limited to, the defendants, engaged in multiple acts of distribution of controlled substances, and possession with intent to distribute controlled substances, in and around the District of New Jersey.

b. Beginning at least as early as in or around 2015, the defendants and other members and associates of the Rollin' 60s utilized social media, to include Instagram and Facebook, to conduct the business of the enterprise, including raising funds for the Enterprise's members; referencing penalties for violating the Rollin' 60s rules; discussing the initiation of new members; scheduling meetings; and paying homage to members and associates of the Rollin' 60s who were killed.

c. Beginning at least as early as in or around 2015, the defendants and other members and associates of the Rollin' 60s utilized social media, to include Instagram and Facebook, to conduct the illegal activities of the Enterprise, to include the planning of violent activities, the purchase, sale and exchange of firearms, and coordination of the distribution of controlled substances.

d. From at least as early as in or around 2017 through at least in or around 2020, FRANKLIN utilized social media, to include Instagram and Facebook, to vouch for other members and associates of the Rollin' 60s, or to confirm whether any such individuals were "certified"—or legitimate—members of the Enterprise.

e. On or about December 6, 2017, FRANKLIN, using Instagram user ID "6ig_kahuna," communicated with another member and associate of the Enterprise ("Co-Conspirator-1") regarding the distribution of controlled substances. Specifically, FRANKLIN messaged Co-Conspirator-1, "[c]um to the crib I need a zip," and stated, "Put it all in one bag." Co-Conspirator-1 eventually informed FRANKLIN, "Give a second I'm call my Cuzin for u now and my phone died I'm hit you soon as it charge up."

f. On or about September 25, 2018, in the vicinity of South Orange Avenue and Salem Street in Newark, New Jersey, WILLIAMS, utilizing a 9mm HiPoint pistol ("Firearm-1"), shot at four individuals who were sitting in a car (hereinafter, "Victim-1," "Victim-2," "Victim-3," and "Victim-4"). At least two of these individuals were members and associates of the Jungle Boys, a rival of the Rollin' 60s. Victim-1 and Victim-2 suffered gunshot wounds, and Victim-1 was left paralyzed.

g. On or about February 20, 2019, BYRD, utilizing Facebook user ID "Gtweeko Ctb," and another member and associate of the Enterprise ("Co-Conspirator-2") discussed searching for cars to steal, with BYRD stating, ".

. . freak [FRANKLIN] just waiting for me to hit him to come scoop us . . . so we can ride around n look for one.”

h. On or about February 21, 2019, BYRD, utilizing Facebook user ID “Gtweeko CTB,” and Co-Conspirator-2 again discussed the theft of cars, with BYRD stating, “I jumped n some s—t but the key wasn’t n so I only got down the bloc,” and Co-Conspirator-2 responding, “Go ina will try again 2mar Tell freak [FRANKLIN] cause my phone boutta die.”

i. On or about March 4, 2019, Co-Conspirator-2 utilized Facebook to message BYRD, who was utilizing Facebook user ID “Gtweeko CTB,” “Start saving cause ik some body selling a 380 & 38 For 300 350.” BYRD responded, “Word that’s clean,” and Co-Conspirator-2 answered, “Factz save up cuz, ion care if you gotta sell somethings cuz but we need them.”

j. On or about March 17, 2019, upon learning of the murder of Individual-1, a/k/a “Troub,” a member and associate of the Rollin’ 60s, FRANKLIN, using Facebook user ID “Jae Sixties,” contacted BYRD, who utilized Facebook user ID “Gtweeko Ctb,” and ordered BYRD to find a stolen car and a firearm in order to retaliate for Individual-1’s murder, stating, “Yo we need sum wheel ASAP . . . like now,” explaining, “Lil troub got shot . . . grab sumthing n pull up . . . Bring tht toy back we need tht.”

k. On or about March 17, 2019, in response to FRANKLIN’s messages, BYRD, utilizing Facebook user ID “Gtweeko Ctb,” messaged FRANKLIN, “Igh hold on ima tryna make calls to see if someone go watch [his son] n bb [Co-Conspirator-2] got it I’m finna txt him.”

l. On or about March 18, 2019, BYRD, utilizing Facebook user ID “Gtweeko Ctb,” messaged Co-Conspirator-2, “Yo, hit Freak so he can come get that,” and later that day, “bring that grip to the hood yo I’m in the g ride with Freak.”

m. On or about March 18, 2019 BYRD utilized his Facebook account, with associated user ID “Gtweeko Ctb,” to contact other individuals in order to locate a vehicle and to obtain a tool to use to steal a vehicle.

n. On or about March 19, 2019, WILLIAMS utilized Instagram user ID “lil.s6g” to post the following message: “I’m Starting a Whole Lotta Trouble4Troub.” The message was accompanied by three blue heart emojis.

o. On or about March 20, 2019, after BYRD was unable to locate a vehicle, citing childcare issues, FRANKLIN became angry, and utilized Facebook user ID “Jae Sixties” to message BYRD, “Lil n—a u think u the only mother Fucc era with kids and priorities N—a I got four kids n a wife N I got a job Ain’t nobody begging u to do s—t u sined up for this shot on ya own This is what cum with it Ain’t my fault u layed down n had a baby with a Dubb b—ch next time choose better.”

p. On or about March 20, 2019, BYRD, in response to FRANKLIN’s messages, utilized Facebook user ID “Gtweeko Ctb” to respond: “Igh but ur [baby mother] don’t be on b.s. like my [baby mother] do cuz n I know I signed up for it all I’m saying is give me some time juheard cuz ima get the gride.”

q. On or about March 20, 2019, in response to BYRD’s messages, FRANKLIN utilized Facebook user ID “Jae Sixties” to message BYRD,

“Like I said ain’t nobody make u turn Crip that was ya choice . . . u got a job to do get a g ride ain’t nobody ask u to drive or nothing . . . Stop faking if u ain’t 160% with this shit we don’t need u I’ll told at that meeting u had one job n one job only n u looked the whole set in our face including lil troub n said u was gone hold it down so so keep your word.”

r. On or about March 20, 2019, utilizing Facebook user ID “Jae Sixties,” FRANKLIN indicated to another member and associate of the Rollin’ 60s, “we at war out here need hot wheels from n—as.”

s. On or about March 20, 2019, utilizing Facebook user ID “Jae Sixties,” FRANKLIN reached out to Co-Conspirator-2, complaining: “Ya man bands [BYRD] looking like a fraud out here . . .”

t. On or about March 20, 2019, utilizing Facebook user ID “Runit Up Tns,” Co-Conspirator-2 communicated with BYRD, stating, “Freak [FRANKLIN] just hit me . . . You looking like a fraud out there, cause you still aint got no wheels . . . he knows you the car thief that’s why he’s on you . . . [you’re] the only [one] in the hood that know how to steel one.”

u. On or about March 20, 2019, WILLIAMS traveled as a passenger in FRANKLIN’s Jeep Cherokee to the vicinity of Irvington High School in Irvington, New Jersey.

v. On or about March 20, 2019, once reaching the vicinity of Irvington High School, WILLIAMS utilized Firearm-1 to fatally shoot Victim-5, a member and associate of the Jungle Boys who was suspected of murdering Individual-1, a/k/a “Troub.”

w. On or about April 2, 2019, Co-Conspirator-2 utilized Facebook to message BYRD, who utilized Facebook user ID “Gtweeko Ctb,” “I got 15 dollars 8ths.”

x. On or about May 29, 2019, WILLIAMS utilized Instagram user ID “lil.s6g” to post a photograph depicting Individual-1, a/k/a “Troub,” and Individual-2, a/k/a “Mayhem,” and with the accompanying message, “WISH THE NCCAS THAT KILLED Y’ALL WASN’T DEAD SO I COULD KILL EM AGAIN.”

y. On or about January 15, 2020, WILLIAMS, utilizing Instagram user ID lil.s6g, confessed to the September 25 shooting that is the subject of overt act “f”, referencing Victim-2 by Victim-2’s nickname, “Mackey.” Specifically, WILLIAMS stated to a member and associate of the Rollin’ 60s, “fucc that n—a I shot him and his manz like a year ago that n—a a snake 🐍😂,” and went on to explain, “I had to tho ❤️ he shot at me first with some opp n—as so when it was my turn I just made shore I an miss.”

z. On or about February 17, 2020, WILLIAMS utilized Instagram user ID “lil.s6g” to post the following message: “i kno the opps like ‘damn that’s dem again dey comin AGAIN’ 😊 I had a dream that I saw the n—a kill trou6 wit a gun in my hand he was under me 🤪.”

aa. On or about June 20, 2020, in Newark, New Jersey, BYRD and Co-Conspirator-2 utilized a .22 caliber revolver (“Firearm-2”) to rob Victim-6 of approximately \$1,000.

bb. On or around September 26, 2020, WILLIAMS utilized Instagram user ID “gorillagang.bn” to post an Instagram “story” that included the following statement, in which WILLIAMS mocked Victim-1 for the injuries Victim-1 sustained two years previously as a result of the shooting referenced in Overt Act “f”:



NOTICE OF SPECIAL SENTENCING FACTORS REGARDING COUNT ONE

On or about March 20, 2019, in Essex County, in the District of New Jersey, defendants

**JASON FRANKLIN,
a/k/a “Freak,”
a/k/a “OG Freak,”
ELIJAH WILLIAMS,
a/k/a “Lil Smith,” and
TRE BYRD,
a/k/a “Bands,”
a/k/a “G Bandz,**

did knowingly and purposely cause the death and serious bodily injury resulting in the death of another person, namely, Victim-5, contrary to N.J.S.A. 2C:11-3(a)(1), 2C:11-3(a)(2), and 2C:2-6.

In violation of Title 18, United States Code, Section 1962(d).

FORFEITURE ALLEGATIONS

1. The allegations contained in Count One of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 1963.

2. Pursuant to Title 18, United States Code, Section 1963, upon conviction of an offense in violation of Title 18, United States Code, Section 1962, defendants,

**JASON FRANKLIN,
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a/k/a "G Bands"**

shall forfeit to the United States of America:

(a) any interest acquired or maintained in violation of Section 1962;

(b) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which the defendant[s] established, operated, controlled, conducted, or participated in the conduct of, in violation of Section 1962; and

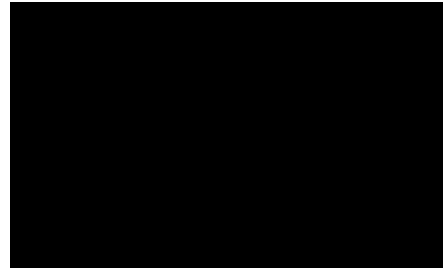
(c) any property constituting, or derived from, any proceeds obtained, directly or indirectly, from racketeering activity in violation of Section 1962.

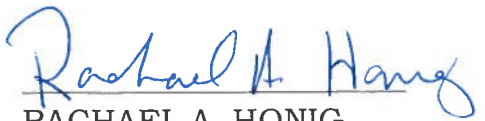
Substitute Assets Provision

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
 - (b) has been transferred or sold to, or deposited with, a third party;
 - (c) has been placed beyond the jurisdiction of the Court;
 - (d) has been substantially diminished in value; or
 - (e) has been commingled with other property which cannot be subdivided without difficulty,
- the United States of America shall be entitled to forfeiture of substitute assets pursuant to Title 18, United States Code, Section 1963(m).

A TRUE BILL




RACHAEL A. HONIG
Acting United States Attorney

CASE NUMBER: 21-_____

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

**JASON FRANKLIN,
a/k/a "Freak,"
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ELIJAH WILLIAMS,
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TRE BYRD,
a/k/a "Bands,"
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**INDICTMENT FOR
18 U.S.C. § 1962(d)**

RACHAEL A. HONIG
ACTING UNITED STATES ATTORNEY
NEWARK, NEW JERSEY

FRANCESCA LIQUORI
ASSISTANT U.S. ATTORNEY
973-297-4373